

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 8:92CR14
)
)
 v.))
)
JOHNNY RAY BUTLER,) ORDER
)
)
 Defendant.)
)
_____)

This matter is before the Court on a motion to extend the time for filing a notice of appeal (Filing No. [1257](#)). Rule of Appellate Procedure 4(b)(1) affords the defendant 14 days to file a notice of appeal with the district court. Rule 4(b)(4) provides for an extension of at most "30 days from the expiration of the time otherwise proscribed by the Rule 4(b)" where the district court finds "excusable neglect or good cause."

The Court has been advised that defendant Butler has been in the process of transferring facilities and, therefore, has been unable to file his notice of appeal. The Court finds that this is sufficiently good cause to extend the deadline. The order from which Butler seeks to appeal was issued on January 23, 2014. With the maximum extension permitted by Rule 4(b)(4), the Court is able to expand the time for filing to a total of 44 days, which places the deadline on March 8, 2014. Accordingly,

IT IS ORDERED that the time for filing of a notice of appeal in regard to defendant's motion under Rule 35(a) (Filing No. 1241) is extended to March 8, 2014.

DATED this 4th day of March, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court